

1 MELINDA HAAG (CABN 132612)
2 United States Attorney
3 MIRANDA KANE (CABN 150630)
4 Chief, Criminal Division
5 W.S. WILSON LEUNG (CABN 190939)
6 Assistant United States Attorneys
7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
Telephone: (415) 436-6758
Facsimile: (415) 436-6753
E-Mail: wilson.leung@usdoj.gov

9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 UNITED STATES OF AMERICA) No. 4-12-MJ-70425
15 v.)
16 DONALD MILLS,) STIPULATION AND ~~PROPOSED~~
17 Defendant.) ORDER DOCUMENTING WAIVER
18 _____)

19 With the agreement of the parties, and with the consent of the defendant, the Court enters
20 this order vacating the preliminary hearing date of June 6, 2012, setting a new preliminary
21 hearing date for June 27, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time
22 for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time
23 under the Speedy Trial Act to June 27, 2012. The parties agree and stipulate, and the Court finds
24 and holds, as follows:

25 1. The defendant, Donald Mills, was charged in a complaint dated April 17, 2012,
26 with one count of conspiring to distribute heroin, in violation of 21 U.S.C. § 846, one count of
27 distribution of heroin, in violation of 21 U.S.C. § 841(a)(1), and being a felon in possession of a
28 firearm, in violation of 18 U.S.C. § 922(g). Mills was arrested and subsequently presented to the

FILED

JUN -5 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 Court on or about April 23, 2012. John Paul Reichmuth, Esq., was appointed to represent Mills.
2 Mills was ordered detained pending trial.

3 2. On May 4, 2012, due to a conflict, Mr. Reichmuth withdrew as counsel and
4 Suzanne M. Morris, Esq., was appointed to represent Mills. Since Ms. Mills's appointment, the
5 parties have been trying to resolve this matter prior to the filing of indictment. Although the
6 parties have conferred, and although the Government has voluntarily provided some materials
7 relating to this case for counsel's review, these discussions have not yet been completed.
8 Accordingly, the parties respectfully request that the June 6, 2012 preliminary hearing be
9 continued until June 27, 2012 to allow them additional time to pursue a potential disposition of
10 this matter.

11 3. Taking into the account the public interest in the prompt disposition of criminal
12 cases, the above-stated ground is good cause for extending the time limit for a preliminary
13 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and
14 for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the
15 defense time for effective preparation and representation by seeking disposition of this matter
16 prior to indictment on agreed-upon terms.

17 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
18 June 6, 2012 preliminary hearing date and extends the time for a preliminary hearing until June
19 27, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from today
20 until June 27, 2012 be excluded from the time period for preliminary hearings under Federal
21 Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161.

22 SO STIPULATED:

23 DATED: June 4, 2012

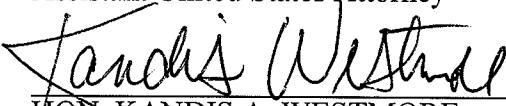
/s/
SUZANNE M. MORRIS, ESQ.
Attorney for DONALD MILLS

25 DATED: June 4, 2012

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

27 IT IS SO ORDERED.

28 DATED: June 5, 2012


HON. KANDIS A. WESTMORE
United States Magistrate Judge